



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1995

Mr. Harvey Cargill, Jr.
City Attorney
City of Abilene
P.O. Box 60
Abilene, Texas 79604

OR95-693

Dear Mr. Cargill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34259.

The City of Abilene received a request for "access to or copies of any suspension documents concerning former police officer Greg Parks and also his letter appealing that suspension." You agree that the requested information is public information. However, you inform us that Mr. Parks has claimed that his response is copyrighted and therefore may not be released for public inspection.

Attorney General Opinion JM-672 (1987) addressed the relationship between the Open Records Act and the copyright laws, concluding that:

A custodian of public records under the Texas Open Records Act . . . must allow members of the public to inspect copyrighted material unless other exceptions to the Open Records Act protect the material. The custodian need not, however, furnish copies. The custodian must allow the requestor to make copies "unassisted by the state."

Attorney General Opinion JM-672 (1987) at 7 (quoting summary). Accordingly, you may not withhold the requested information. Although you are not required to make copies of the information, the requestor may do so, unassisted by the city. The requestor assumes the risk of violating the copyright laws. Open Records Decision No. 550 (1990).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LBC/rho

Ref: ID# 34259

Enclosures: Submitted documents

cc: Ms. Crissie McMennamy
Abilene Reporter-News
P.O. Box 30
Abilene, Texas 79604
(w/o enclosures)